

CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, MARCH 23, 2009

PRESENT: ROBERT J. CANNON
GEORGE FITZGERALD
WILLIAM SOWERBY

SUPERVISOR
CLERK
TREASURER

ERNEST HORNUNG
KEN PEARL
DEAN REYNOLDS
JENIFER WEST

TRUSTEE/ACTING CHAIR
TRUSTEE
TRUSTEE
TRUSTEE

ABSENT: NONE

The Regular Meeting of the Board of Trustees was called to order at 6:30 p.m. in the Board Chambers. Also in attendance was Jack Dolan, Township Attorney. The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

Mr. Fitzgerald requested the following deletions from tonight's agenda:

Item #17 – Process for the Maintenance of Doors at Fire Stations

Item #20 – Discussion of Contractual Furlough Days – Police Department

Mr. Dolan requested the following addition:

Add to Item #19 – Request Closed Session to Discuss Written Legal Opinion
Relative to Issues of Easement Interpretation for ITC Vegetation
Management.

Motion by Ms. West, supported by Mr. Reynolds, to approve the agenda with the deletions and addition as requested. Roll Call: Ayes – West, Reynolds, Hornung, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

**1. PRESENTATION OF CITIZEN COMMENDATION AWARDS –
DEPARTMENT OF FIRE AND RESCUE**

Fire Chief Shea introduced Mr. Thomas Baker, a resident of Clinton Township who, through his heroic acts, gave his assistance in a fire he discovered in an occupied apartment building. At 4:30 a.m. on a February morning, he awoke to the strong smell of gas. He went to the window and the smell was even stronger, so he went downstairs,

only to find a door on the second floor was blistered and hot, indicating a fire inside. At 4:40 a.m., this brave individual went back into the building above the fire and notified other occupants to flee the building. There were three other occupied apartments, and everyone was able to get out safely. Chief Shea thanked Mr. Baker and recognized him as a heroic individual, citing that because of his brave actions that morning, property loss was kept to a minimum and the serious potential for loss of life was averted. He presented Mr. Thomas with a Citizen Commendation Award.

Motion by Mr. Pearl, supported by Mr. Hornung, to receive and file the Citizen Commendation Award presented to Mr. Thomas Baker on behalf of the Department of Fire and Rescue. Roll Call: Ayes – Pearl, Hornung, Reynolds, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

2. SPECIAL LAND USE: 66-FOOT-HIGH “SKY TOWER” RIDE AT A SPORTS/ENTERTAINMENT CENTER IN THE B-2 COMMUNITY BUSINESS DISTRICT AND REVISED SITE PLAN FOR C.J. BARRYMORE’S: 25.55 ACRES FRONTING THE SOUTH LINE OF HALL, WEST OF ELIZABETH

Mr. Cannon thanked Mr. Rick Iceberg for providing such a nice entertainment center for families and felt residents in Macomb County are fortunate to have such a wonderful complex so close to home, especially during these tough economic times.

Mr. Pearl explained that the petitioner was kind enough to move the location of this proposed tower at the Planning Commission’s request so as to avoid any possible distraction on Hall Road. He felt the revised plan accomplishes this request, and he added that he appreciates the continued growth of this facility in the Township.

Motion by Mr. Pearl, supported by Mr. Hornung, to receive and file the letter dated February 26, 2009 from the Planning Director and approve the Special Land Use for a 66-foot-high “Sky Tower” ride at a sports and entertainment center in the B-2 Community Business District and the revised site development plan for C. J. Barrymore’s, located on 25.55 acres of land south of Hall Road, west of Elizabeth Road, as presented. Roll Call: Ayes – Pearl, Hornung, Reynolds, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

3. REQUEST TO BE RECOGNIZED AS A NON-PROFIT ORGANIZATION: CLINTON VALLEY LION’S CLUB

Mr. Fitzgerald stated that if this is approved, he will need a copy of the 501(c)3 document from the petitioner for the Township’s file.

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the letter dated March 6, 2009 from Ms. Victoria Willits, and recognize Clinton Valley Charities, Inc., P. O. Box 380913, Clinton Township, a 501(c)3 organization, as a non-profit organization, as requested, subject to a copy of the 501(c)3 document being submitted to the Township

for their file. Roll Call: Ayes – West, Reynolds, Hornung, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

4. REQUEST TO BE RECOGNIZED AS A NON-PROFIT ORGANIZATION: HOMELESS COALITION

Mr. Fitzgerald indicated that the same criteria applies to this request as to the last, and he will need a copy of the 501(c)3 document.

Motion by Mr. Sowerby, supported by Ms. West, to receive and file the letter dated March 19, 2009 from Ms. Misty Authier, President of the Macomb Homeless Coalition, and recognize the Macomb Homeless Coalition, P. O. Box 856, Mt. Clemens, Michigan 48046, a 501(c)3 organization, as a non-profit organization, as requested, subject to a copy of the 501(c)3 document being submitted to the Township for their file. Roll Call: Ayes – Sowerby, West, Reynolds, Hornung, Pearl, Cannon, Fitzgerald. Nays – None. Absent – None. Motion carried.

5. REQUEST VARIANCE TO TOWNSHIP'S FENCE ORDINANCE: 20540 LUNA COURT

Mr. Nicholas Gates, contractor, was present to answer questions.

Mr. John Codron, Superintendent of the Building Department, explained that he made contact with the homeowner and Mr. Gates, and they have agreed to angle the fence at the driveway as per the Township ordinance. He explained it will be a 10-foot by 25-foot angle at the driveway, and that will meet ordinance requirements.

Mr. Gates replied to inquiry that his client is aware and willing to do this.

Motion by Mr. Sowerby, supported by Mr. Pearl, to receive and file the letter dated March 8, 2009 from Mr. Michael F. Currato, and approve his request to erect a privacy fence at 20540 Luna, contingent upon it being angled as outlined by Mr. Codron and agreed to by the petitioner, to meet the Township's Fence Ordinance. Roll Call: Ayes – Sowerby, Pearl, Reynolds, Hornung, Cannon, West, Fitzgerald. Nays – None. Absent – None. Motion carried.

6. REQUEST VARIANCE TO TOWNSHIP FENCE ORDINANCE: 19630 NICKE

Mr. Codron explained that this came up during a rental inspection of the property. The fence has been in place for ten to fifteen years. He did not feel there is a problem with the condition as it exists; however, it does not meet the current fence ordinance. He recommended that the existing fence be allowed to remain in its current location but not to allow it to be replaced in the future. He added that any replacement of the fence in the future would have to meet the requirements of the Fence Ordinance. He replied to

inquiry that this would not be an issue if it was a cyclone fence, but because it is an obscuring fence, it is in violation.

Motion by Mr. Reynolds, supported by Mr. Cannon, to receive and file the letter dated March 5, 2009 from Mr. Joseph Kaye, 19670 Nicke, and approve the request to allow the existing fence to remain, but not to allow it to be replaced with a similar type fence in the future, as recommended by the Building Department. Roll Call: Ayes – Reynolds, Cannon, Hornung, Pearl, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

7. REQUEST FOR RECONSIDERATION OF OUTDOOR TENT – CHELI'S CHILI BAR: 41240 HAYES ROAD

Mr. Pearl indicated that he was opposed to the tent at the last meeting, and he inquired as to what they intend to do with the parking situation to assure safety, and what type of barriers they intend to use.

Mr. Gerry Vento, Operating Partner for Cheli's Chili Bar, explained that they would have a valet parking service, and there would be a row of employee's cars in the parking spaces along Hayes that would serve as a buffer. He replied to further inquiry that the tent would start 15 feet off the front of the building and would be "sandwiched" between the two landscaped parking islands. He assured they are not losing any handicapped parking or ramps, and the remainder of the lot will be barricaded at all times.

Mr. Pearl inquired as to the concerns of the residents to the east.

Mr. Myron Jakey (41374 Redmond Court), Mr. Dave Peltier (41423 Redmond Court) and Mr. Bob Bieniewicz (41173 Chancellor Court), all members and/or officers of the abutting homeowner's association, indicated they have no objection to the request.

Mr. Peltier stated that he has had a couple of issues in the past, but he contacted the owners and the problems were resolved. He complimented Mr. Vento on being an excellent neighbor. He replied to inquiry that he is president of Cambridge Square Condominium Association/Phase I, but he stressed he is only speaking for himself. He replied that there is a grassy area behind the bar and no one lives directly behind the facility.

Mr. Jakey replied that he is the president of Cambridge Square Condominium Association/Phase II, and he has no objection to the request for the tent.

Mr. Bieniewicz did not feel it will even be visible to residents in Cambridge Square. His only concern would be loud music; however, once he was assured there will be no outdoor music, he has no objection. He added that they have been good neighbors.

Mr. Jakey replied that his condominium unit is approximately 200 to 300 feet from the subject site.

Mr. Hornung expressed concern that there will be noise drifting into the abutting residential area if there is an outdoor tent. He pointed out to the neighbors that it is not just a matter of seeing the tent, but the concern would be the noise.

Mr. Bieniewicz replied to inquiry that he is aware there will be hockey fans there, but he did not feel that will be a problem. He reiterated his only concern would be loud music.

Mr. Cannon mentioned that his secretary lives in the condominiums behind the bar, and she has never had a problem. He noted that there was a tent on site last year for one night, and his secretary was never even aware that it was there.

Mr. Hornung inquired as to how long the playoffs last.

Mr. Vento replied that they start on April 18th, and if they go right to the end, that would be June 15th. He explained that his partner is Joe Vicari, and his mother lives in the abutting condominium complex. Mr. Vento assured they would never do anything to jeopardize her living arrangements, or anyone else's. He stressed they are a family-fun-oriented restaurant. He noted that the play-off games generally start at 7:30 and end around 10:00 or 10:30, so the crowd clears out by 11:00. He admitted that west-coast games are much later; however, they have not had a good turnout for those games, so they would probably not even bother having outdoor seating on those nights. He replied to still further inquiry that they will have four 40-inch televisions in the tent, one in each corner. He assured there will be no loud horns outside, and although they have a horn that goes off inside the building, it is toward the center so he did not feel like it would be a problem. Mr. Vento explained that they are trying to replicate the feeling of "a mini Joe Louis Arena".

Ms. West inquired as to whether they are planning on closing the tent at 11:00 p.m.

Mr. Vento replied that they will plan on closing the tent at 11:00 p.m., and if patrons want to continue to eat and/or drink, they can go inside. He added that if the game goes into overtime, it could be a little later than 11:00 p.m.; however, he felt that even then, it would not go later than midnight.

Mr. Wayne Kope, 2390 Franklin Road, Bloomfield Hills, Michigan, replied to inquiry that they have two layouts, a 20-foot by 50-foot frame and a 30-foot by 60-foot frame. He believed the petitioner is hoping to get approval for the 30-foot by 60-foot tent, which would seat 100 people. He replied that the smaller tent would seat 44, although if the banquet tables were rearranged, it could seat up to 75. He added that it would be crowded with 75.

Mr. Fitzgerald inquired as to steps they take to ensure safety from fire, and how they provide fresh air inside the tent.

Mr. Kope replied that the sides of the tent are soft and can be removed. They have at least two exits at all times, and “Exit” signs are provided. The sides and the tent are flame retardant to the highest UL level.

Mr. Fitzgerald inquired as to whether they have any protection from lightening with the metal poles holding up the tent.

Mr. Kope replied the tent is held up by an aluminum pole to the ground. Lightening would travel into the ground, although he felt if there is a lot of lightening, they would need to use common sense. He was not aware of any fires that were originated in this type of tent from a lightening strike. He noted that they use a significant amount of space where people can move around, because they do not want an unsafe situation. He mentioned that their drawings are done on a CAD/CAM program and are to scale.

Mr. Reynolds inquired as to whether the petitioner would be obligated to abide by all the noise ordinances in the Township if this tent is approved.

Mr. Codron replied that they would be required to meet all ordinances, including the provision of fire extinguishers in the tent, number of occupants, fire retardant material, and other requirements.

Mr. Kope assured they will meet all of the requirements.

Mr. Vento replied that they would like to put it up by April 18th and leave it up until June 15, 2009, or until the Red Wings are eliminated from the playoffs, whichever comes first. He confirmed that they are seeking approval for the larger of the two tents.

Mr. Sowerby inquired as to how many parking spaces will be lost.

Mr. Vento replied the tent will take up 32 parking spaces.

Mr. Sowerby inquired as to how the valet service will work.

Mr. Vento replied that patrons would pull up to the side off of Hayes, and if they want valet parking, they would exit their car and the valet attendants would park it. If they want to park their own car, they would be directed to a small area far away from the tent. If the self-serve parking is full, they have access to the Clinton Corners Plaza located at the northeast corner of 18 Mile and Hayes, along with parking at Mr. C’s Car Wash and limited parking at Ace Hardware.

Mr. Sowerby inquired as to whether they would have access to park at Mr. C’s during the day when they are open.

Mr. Vento replied they cannot use Mr. C's during their business hours; however, they do have permission to use the parking spaces in the adjacent plaza. He estimated that there are possibly ten spaces used at any given time, but they have 60 spaces available. Mr. Vento replied that he has agreed with Mr. Stone, owner of Ace Hardware, that Cheli's will provide security personnel to assure patrons of Cheli's are not using the parking spaces of adjacent businesses during business hours. He replied to still further inquiry that these individuals will be identified as "security".

Mr. Sowerby inquired as to how this will be enforced if someone refuses to move his or her vehicle.

Mr. Vento stated he would hope people would be respectful to the situation. He admitted that, since he does not own the lot, he cannot insist that they move their car, but he felt they can try their best.

Mr. Cannon suggested that Mr. Vento contact Mr. Vito Strollis from Ruehle's and request they put up signs that violators will be towed, and they can then call to have the vehicle towed if they are using an unauthorized area to park.

Mr. Vento replied to inquiry that Aldi's is not letting Cheli's utilize their parking spaces until after 9:00 p.m., which is when they close, so he assured Cheli's will be securing that lot at their expense.

Mr. Sowerby clarified that Cheli's will be providing security at their own expense to make sure patrons do not park at Aldi's or Ace Hardware until after 9:00 p.m. on Red Wing game nights, while this tent is up, and they will have limited parking available at those times at Mr. C's and the adjacent shopping center.

Mr. Vento agreed that is correct.

Mr. Sowerby inquired as to whether they have sufficient parking spaces taking into account the additional parking, or whether they will be deficient.

Mr. Santia replied that Cheli's, when first constructed, was site-planned as a restaurant, which required 1 parking space for every 55 square feet; however, the redevelopment of the building as a restaurant/bar would require 1 parking space for every 35 square feet. Based upon those calculations, they should have 235 spaces, so they are about 85 spaces short on their site. When calculating the seating room in the tent, they would need an additional 52 parking spaces, plus they are losing parking spaces where the tent will be, so he summarized they will have about 180 spaces less than required. Mr. Santia replied to further inquiry that Mr. C's was site-planned for 15 spaces, with an additional 15-20 spaces available on the south side of their facility when they are closed. There are 90 spaces at Clinton Corners shopping center, and the combine Ace/Aldi lot has 150 spaces.

Mr. Sowerby inquired as to whether Mr. Vento or his partner have talked with the Ashgrove community across Hayes.

Mr. Vento replied they did not talk to residents across Hayes. He recalled the concern of this Board when this matter was previously discussed was the residents directly to the east of the subject site.

Mr. Sowerby stated he still had a problem with this request, and he felt that a tent going up for a two-month period is precedent setting. He was concerned that others may try to capitalize on other sporting events to do the same thing. He felt Cheli's is doing this because they have outgrown the inside of the bar and need more space. He expressed concern about the surrounding businesses and how this will impact them, especially if the security measures discussed tonight do not work. He felt it is a bad idea and will place a strain on the Police Department. He suggested they consider expanding through proper site plan process.

Ms. West inquired as to how many parking spaces would be lost if they opted for the smaller tent.

Mr. Kope replied that they would only gain 4 spaces as opposed to using the larger tent.

Mr. Reynolds inquired as to whether Mr. Vento has discussed the parking situation with the office building adjacent to Aldi's. He replied to inquiry that he works in that building, and felt that since they close at 5:00, they may be willing to accommodate some parking.

Mr. Cannon felt the Township has a successful restaurant at this location that "needs a shot in the arm". He is not concerned about the parking because he has talked with the neighbors, all of which are willing to provide additional parking after their normal business hours. He pointed out that Hayes is a major 5-lane road and felt any noise emanating from Cheli's will be drowned out by the noise of the traffic on Hayes, so he did not feel the residents on the west side of Hayes will be affected.

Mr. Vento thanked Mr. Cannon for his support, and he assured he is running a respected restaurant, and that his word "is gold". He emphasized that when he promises something, he follows through.

Mr. Marvin Stone, owner of Ace Hardware, 41400 Hayes, admitted that they had some issues last year. He spoke to Mr. Vento earlier and he was confident that they can work something out. He indicated that last year he sat in front of his store and had to ask patrons not to park there. He instructed them that they could use his parking spots in the back. Mr. Stone stated he spoke with representatives from Aldi earlier this evening, and they again stressed they are not willing to provide parking to Cheli's; however, they added that once they are closed at 9:00 p.m., they do not have any objection to it. He stressed that as long as he is assured he can operate his business and Cheli's will be

providing security to ensure this occurs, he is not opposed. He did want to make sure they have proper insurance so that he is not responsible for anything that occurs on his property when they are using his lot. He would also request that Cheli's provides a clean-up crew following these games.

Mr. Reynolds stated that parking was his concern, but he noted that the office building is closed at 5:00 p.m. and he estimated that they have approximately 35 to 40 additional spaces.

Mr. Vento assured he will talk to them tomorrow.

Mr. Pearl reiterated that he was originally opposed but he feels that with the parking arrangements from the adjacent property owners, it will be sufficient. He added that he has never observed their lot completely full, so he did not feel it will be a problem.

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive and file the letter dated March 7, 2009 from Mr. Gerry Vento, Operating Partner of Cheli's Chili Bar, 41240 Hayes Road, and approve the outdoor tent permit for a 30-foot by 60-foot tent to be erected on site from April 18, 2009 through June 15, 2009, with the following conditions: 1) It is to be used only when there are Red Wing playoff games; 2) The tent will be removed when the Red Wings are no longer in the playoffs, or June 15, 2009, whichever comes first; 3) Proper safety barrier in front of the tent and all other safety requirements, such as fire extinguishers and exit signs, will be met; 4) Liability insurance provided by the petitioner to cover this site and other properties that are used for parking; 5) Adequate security provided to assure parking is only in permitted areas, as agreed to by neighboring property owners; and 6) Clean-up of the subject site, as well as any neighboring properties on which parking was permitted. Discussion ensued.

Mr. Vento felt this will be a win-win situation for them as well as the neighboring businesses. He felt the abutting businesses will experience an increase in their sales because the patrons of Cheli's may stop in these local businesses before the game starts. He was confident this will be a success.

Roll Call: Ayes – Pearl, Reynolds, Cannon, West, Fitzgerald. Nays – Hornung, Sowerby. Absent – None. Motion carried.

8. REQUEST TO SELL PLANTS & FLOWERS OUTSIDE OF STORE – VINCE & JOE'S MARKET: 41790 GARFIELD

Mr. Codron replied to inquiry that they are satisfied with the way this has been conducted in the past and they have no objection to the location.

Mr. Vitale replied to inquiry that there will be no exchange of money outside, and all sales transactions will take place inside.

Motion by Mr. Sowerby, supported by Mr. Fitzgerald, to receive and file the letter dated March 9, 2009 from Vince & Joe's Fruit Market, 41790 Garfield, and approve the request to allow the outdoor display of plants and flowers outside their store for a ninety (90) day period beginning May 1, 2009; further, there are to be no sales conducted outside of the building, as required by Township ordinance. Roll Call: Ayes – Sowerby, Fitzgerald, Reynolds, Hornung, Pearl, Cannon, West. Nays – None. Absent – None. Motion carried.

9. BID AWARD: MARSTON, AVIVA, THORNTON AND THEODORE WATER MAIN REPLACEMENT

Motion by Mr. Hornung, supported by Mr. Reynolds, to receive, file and concur with the letter dated March 13, 2009 from Spalding DeDecker Associates, Inc., and award the bid for the Marston, Aviva, Thornton and Theodore Water Main Replacement to the low bidder, Man-Con Michigan, Inc., of Shelby Township, in the amount of \$769,644.00, as outlined in the correspondence. Roll Call: Ayes – Hornung, Reynolds, Pearl, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

10. APPROVAL OF 2009 SUMMER SCHOOL TAX COLLECTION AGREEMENTS

Mr. Sowerby noted that this also involves collecting from Macomb Intermediate School District and Macomb Community College.

Motion by Mr. Pearl, supported by Ms. West, to receive and file the letter dated March 6, 2009 from the Township Treasurer and authorize the Township Treasurer and Clerk to sign the agreements for the 2009 Summer School Tax Collections, as presented and as outlined in the correspondence. Discussion ensued.

Mr. Pearl thanked Mr. Sowerby for handling these collections. He noted that the school districts are paying for it; however, he added that, speaking as a former school board member, Mr. Sowerby has always been very fair as to the cost. He felt it is unfortunate that other municipalities are not as cooperative, and he again commended Mr. Sowerby in his efforts.

Roll Call: Ayes – Pearl, West, Reynolds, Hornung, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

11. RESOLUTION IN SUPPORT OF COMMUNITY BANKS

Mr. Sowerby explained that the proposed Resolution is asking President Obama and members of Congress to suspend rules so the community banks can keep the higher values on the books, which affects their overall capital. Small banks require 9 to 10% of their capital, whereas the larger banks only require 5% on their books. Mr. Sowerby stressed that the small community banks seem to be the lifeblood in assisting local

businesses during these dire economic times. The local businesses are turning to the community banks for loan dollars to keep them afloat, yet some of the bank rules are not allowing this to happen. This is the reason for this proposed Resolution.

Mr. Cannon felt that the local banks will be the first ones back on their feet after the economy picks up, and this Resolution is seeking to give them the help they need.

Mr. Sowerby replied to inquiry that once executed, the Resolution would be forwarded from the Clerk's office, as recommended.

Motion by Mr. Reynolds, supported by Ms. West, to receive and file the letter dated March 23, 2009 from the Township Treasurer, and approve the Resolution in Support of Community Banks, as presented, with copies to be forwarded to President Obama and members of Congress. Roll Call: Ayes – Reynolds, West, Hornung, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

12. DESIGNATION OF DEPOSITORIES RESOLUTION

Mr. Sowerby explained that these are the same institutions as approved in the past, with the addition of People's State Bank and The Private Bank. He added that he makes sure they are FDIC-insured. The largest amount is with Chase Bank, which is one of the highest rated banks in the country. The Township also uses Comerica Bank and Fifth Third Bank for a large portion of funds. He explained that bank rates vary greatly, although there are no community banks in Michigan with high rates at this time. He noted that Citizens State Bank is currently the largest state bank in Michigan.

Mr. Fitzgerald noted that these are insured through December 2009, and he questioned whether it is up to Congress to extend that date.

Mr. Cannon confirmed that it is up to Congress, but even if they do not extend it, they will still be insured up to \$100,000 per bank. He urged residents to support the small banks by continuing to use their services.

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive and file the letter dated March 23, 2009 from the Treasurer and adopt the Designation of Depositories Resolution for current and future fiscal years, as presented. Roll Call: Ayes – Pearl, Reynolds, Hornung, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

13. ADOPTION OF 2009-2010 BUDGET

Ms. Lauretti explained that there have been no changes to the Budget since the last time this was discussed by the Board; however, she reviewed the figures once again.

Mr. Cannon explained that the new budget year begins on April 1st; therefore, the Board has to approve the budget tonight. He added, however, that the budget is “fluid” and changes can be made.

Mr. Fitzgerald explained that they recently lost the PBX Operator because she took another position in the Township. He noted that position is directly out of Clerk’s office, and their office has been able to handle school elections, which has not been their duty. The additional mailings and e-filings take staffing. He pointed out that he previously lost a “floater” position, so he would like to see the PBX operator position remain in the budget, with the possibility of filling it this fiscal year.

Mr. Sowerby indicated that the Township has a Vacancy Review Committee and recommendations come from that committee to the Board. He was aware that some positions are currently be reviewed, including the PBX Operator, but he stressed the Township has to watch every penny spent in the next year because the anticipated decline in revenues.

Mr. Fitzgerald reminded that this Board is a policy-making entity and the Vacancy Review Committee is a recommending body only.

Mr. Reynolds pointed out that no funds are being expended at this time for that position because it is vacant, so he is willing to leave it in at this time. Mr. Reynolds recalled that GIS was going to be funded 1/3 out of Water and 2/3 out of General Fund; however, he observed that the 2/3 portion is coming out of I.T.

Ms. Lauretti pointed out that I.T. is part of the General Fund, and Engineering comes out of the Water Fund.

Mr. Cannon explained that I.T. reports to all different departments, including Police and Fire.

Mr. Reynolds indicated he raised the question because he is on the I.T. Committee.

Mr. Sowerby confirmed that new dollars were infused into the I.T. budget to accommodate this position.

Mr. Fitzgerald inquired as to what they have done so far with GIS mapping and he inquired as to where it is going in the future.

Mr. Cannon responded that multiple departments can utilize the information from GIS mapping, including Planning, Assessing, and Engineering, among others, so it would be difficult to break it down on a percentage basis.

Mr. Fitzgerald felt with a community the size of Clinton Township, they need to keep moving forward in that direction, but he wanted to assure that they have the budget and personnel to keep it moving that way.

Mr. Cannon agreed but indicated they need to look into it.

Mr. Pearl stated he does not mind leaving the PBX Operator position in the budget for further discussion at a later date, and he stated he was pleased that the Clerk's office rather than the County is handling the school elections. He hoped, however, that if the Township Board ultimately decides to fill the PBX Operator position, that individual will be doing more work for Clerk's Office and other departments in addition to answering the phones.

Mr. Fitzgerald explained that the former PBX Operator helped out many other departments, and one of the hardest-hit departments has been DPW. He has been talking with their department heads to determine what Clerk I work they would have, and if the PBX Operator position is filled, he assured it will be maximized.

Mr. Cannon thanked Ms. Lauretti and Ms. Hein for their diligent work on this Budget. He stated he would not mind keeping the PBX Operator position in the budget, but not filling it at this point.

Ms. Lauretti replied that the PBX Operator is still in the budget, so the figures she provided include that position.

Motion by Mr. Cannon, supported by Mr. Sowerby, to adopt the 2009-2010 Budget, as presented, with the elimination of the vacant Office Clerk II position in the Department of Public Works and the elimination of the four (4) vacant positions in the Fire Department; further, to approve the update of the 3/31/2009 Budget as actual. Considerable discussion ensued.

Mr. Fitzgerald noted that in reviewing the collective bargaining agreements, promotions are part of the hierarchy in the Fire Department. He questioned as to whether they would promote from within the department in the event anticipated vacancies occur.

Chief Shea responded that they would promote from within the department, and would then have to look at filling the firefighter positions that would become vacant.

Mr. Fitzgerald observed that there is no enhancement provided for in the budget considering that they are going into collective bargaining.

Ms. Lauretti replied they did not work in any additional money in the budget for salary enhancement, although there is an increase of 8% included in the budget for fringe benefits.

Mr. Simon Haddad, 37796 Horseshoe Drive, Clinton Township, thanked the Board for providing “transparency” by posting the proposed budget on line. He also thanked the Township Supervisor and the Assessor for being proactive and cutting their budgets, and he wished that all other departments would reduce their expenditures. He stressed that revenues are decreasing and he anticipated they will continue to decrease in the coming years. He felt that cutting jobs and positions is not a service to the taxpayers, and he urged this Board to make good business decisions. He pointed out that in many cases, residents have lost their jobs but are still required to pay their taxes. He was upset to hear of the dire financial situation with the Fire Department, and he recalled it was not long ago that a tax was levied for the Fire Fund and residents were told that would take care of the problem. Mr. Haddad felt that something has to be done with the way that wages and fringe benefits of the Township employees are handled. He felt taxpayers, not the collective bargaining units, are the ones paying the bills, so he asked for some structural reform. He cautioned that the taxpayers have taken on about as much as they can, so he urged the Board to lead with some fiscal reform.

Mr. Cannon thanked Mr. Haddad for his diligence in reviewing the budget and taking the time to attend tonight’s meeting to express his concerns. He stressed, however, that every department carefully reviewed their budgets and made cuts.

Ms. Lauretti stated that the Township workforce has been reduced by 26 positions since 2003. She explained that since the court is no longer coming out of the Township’s budget, she did not take into account any positions lost from that division.

Mr. Haddad emphasized that he did not feel the goal should be eliminating positions, but rather restructuring wages and benefits.

Ms. Lauretti replied that at the beginning of the last fiscal year, the Township retiree health care fund was 20% funded; however, it is less than that because there was some decline of these funds when taking into consideration the depressed economy.

Mr. Fitzgerald stated that Clinton Township is on the progressive end of local municipalities when it comes to funding their own retiree health care. He assured they are trying to fund this on a timely, money-wise basis so that when the economy picks up, the fund will be well established.

Mr. Doug Frank, 37762 E. Horseshoe Drive, Clinton Township, explained that he has been reviewing the budget for Macomb County. They made a decision in 2001 to let people retire at a younger age as long as they had the years of service in; however, they are now indicating they will need a 9% increase in taxes to make ends meet. He cautioned the Township that the projected revenues as opposed to expenditures appears to be very dire, and he felt if the Township does not get it in control at this point, it will be very difficult to control it in the future. He questioned who is representing the taxpayers when the bargaining units go into negotiations, and he urged the Township to be proactive.

Roll Call: Ayes – Cannon, Sowerby, Reynolds, Hornung, Pearl, West, Fitzgerald. Nays – None. Absent – None. Motion carried.

14. RESOLUTION REGARDING ITC CORPORATION

Mr. Sowerby explained that he, along with Mr. Reynolds, Ms. West, Mr. George Westerman, Superintendent of the Department of Public Works, Mr. Carlo Santia, Director of the Department of Planning and Community Development, and Mr. Dolan, Township Attorney, met earlier today with representatives from ITC Corporation. He noted that this was the second meeting with this group and at the meeting today, the attorney representing ITC, along with their Forestry Management representative and Mr. Gary Kirsh, their Government Affairs Director, outlined their plan, which is to remove all trees as per their forestry management plan. They intend to leave the stumps from the trees that are cut down, but they will try to cut them as close to the ground as possible. He indicated they may be as much as 4 inches in height. They will place a chemical, an EPA-approved product called “Stalker”, on the stumps to prevent any additional growth, and they will provide a one-time painting of the stumps to clearly mark them as “trip hazards”. They have agreed to hold a public forum at the Senior Center to help facilitate the information on this project to the general public. The Township would notify residents of this meeting through Cable TV and other timely publications. Mr. Sowerby added that ITC is offering the Township \$10,000 for the replacement of trees that can be planted elsewhere by the Township. He noted that ITC offered their vendors, from which the Township can use to purchase these trees for an amount up to \$10,000.

Mr. Kirsh added that there was some concern expressed that homeowners may wish to relocate some of their smaller trees, and he assured the residents, should they desire to move these trees, they will be given no less than sixty (60) days to move the small trees. Mr. Kirsh replied to inquiry that the stumps they will be leaving measure approximately 4 inches above ground, although he added that some of the smaller trees can be cut closer to the ground.

Mr. Dolan explained that, according to ITC, approximately 70 landowners will be affected, and the entire corridor within the Township boundaries is approximately 3-1/2 miles. They estimate that approximately 355 trees will have to be removed.

Ms. West noted that ITC is not taking an exact measurement of the easement, and added that Ms. Bednar felt the homeowners should know the exact location of the easement.

Mr. Kirsh replied that their easement is 90 feet in depth, which he felt is the average easement. He noted that they will be removing anything below the wires, plus an additional ten feet on either side.

Ms. West expressed her opposition and felt it is like a “raping of the land” and she felt the Township needs to look closely at what ITC is doing.

Mr. Reynolds inquired as to when they plan on moving forward.

Mr. Kirsh replied that if they are going to have a public forum, they would like to do that as soon as possible. He added that they were ready to begin three or four weeks ago but have held off to try to resolve some of these issues.

Mr. Cannon inquired as to whether there are any trees that are posing an immediate risk for a power outage.

Mr. Kirsh replied that there were questionable trees that they looked at a few weeks ago, but they have not gone back out. He reminded that the Township Board had specifically prohibited them from doing any further work, so they have not even been able to look at the trees since that time.

Mr. Pearl was still not satisfied that this process will work to the benefit of any of the residents. He felt it is an attempt by ITC to “get in, cut trees and get out”.

Mr. Kirsh assured this has been an ongoing process, not just in Clinton Township but also in all of Michigan.

Mr. Cannon explained that Mr. Kirsh was the former Township Supervisor of a community where ITC went in and cut trees down, never informing the officials of their plans. Mr. Kirsh urged ITC to create a position whereby that individual could work closely with the communities to keep them informed and listen to their concerns so as to avoid that type of situation in the future.

Mr. Kirsh replied to inquiry that stump grinding is not something they have done in the past, and it is not normally done by any of the utility companies. He claimed that neither DTE Energy nor Consumer’s Energy grind stumps when they remove trees. He replied to inquiry that ITC is not affiliated with either of those companies.

Mr. Sowerby explained that the Township has drafted a Resolution brought forward about six weeks ago. Mr. Kirsh had contacted the Township and advised them that representatives from ITC wanted to sit down and talk to them. He stressed that he has appreciated that communication, and he recognizes that proactive management secures those lines, but there needs to be a cooperative approach, which they took by engaging in these conversations. He stressed the Township also believes there needs to be a reasonable time frame for the public and a better approach to the plan. Mr. Sowerby explained that the Township feels the stumps need to be removed, and he also felt an important part that needs to be added to the proposed Resolution is the encouragement of “pruning and trimming” rather than “removing” the trees. Through this Resolution, the Township would insist on the public being notified as to what is happening, and Mr. Sowerby felt that what ITC is offering is not adequate. He appreciated the opportunity to sit down with ITC, but felt that their offer of \$10,000 is clearly not enough to add back

into the environment to counter the deforesting that will be generated by ITC. Mr. Sowerby felt there will need to be much more money infused to accommodate the neighbors who will be having stumps left behind, so that their yards end up more presentable. He was concerned that many residents who once had beautiful trees in their yards will now “have nothing but colored stumps”. Mr. Sowerby was confident that ITC could better manage the coniferous trees by topping them rather than removing them. He admitted that, while some deciduous trees may have to be removed, he felt ITC needs to look closely at the existing trees because many of those which were topped in the last year or two are showing no further evidence of growing in a vertical manner. Mr. Sowerby’s recommendation tonight is to thank ITC for engaging in discussions with the Township but that they can and should do much more; therefore, he is recommending the Resolution be adopted as presented, with the addition of “pruning and trimming trees” instead of “removing” affected trees.

Ms. West recalled that there was discussion at today’s meeting with ITC about “trimming” and she asked for clarification.

Mr. Kirsh clarified that any trees growing under the wires and 10 feet out from the wires will be removed. If there is a tree that is 12 feet out, for example, they may try to trim it if it means removing some branches. He added that the further out the tree is from the wires and the clear zone, the better chance they have of “pruning and trimming” rather than “removing”. He stressed, however, that they will be removing trees in their clear zone and trimming is not an option for those trees.

Ms. West felt that the language of “trimming” should be included in the Resolution.

Mr. Kirsh explained that they have 8,100 miles of lines in the State of Michigan so, while they are sensitive to the concerns of the residents in each community, they also need to look at the most economical way to take care of the problem. They are trying to remove trees rather than to have to continuously trim them because of the ongoing cost for the latter. ITC does not feel they fall into the category of having to replace one tree for every five they remove, although they are willing to work with communities if it means replacing some trees in a park. He admitted that the \$10,000 offered to the Township was not based on any specific cost but was an effort on ITC’s part to provide the Township with some means to replace some of the trees. Mr. Kirsh stressed that they cannot afford to go into every community and offer them \$10,000 or \$20,000 when ITC has the rights and utilizes those rights to remove trees. ITC felt it was a good community effort but obviously it has fallen short of the Township’s expectations.

Mr. Reynolds felt that painting the stumps orange means admitting that they are a trip hazard. He felt strongly that the stumps should be removed. He could not understand why the trees could not be topped when they do not continue to grow after being topped. He recalled an individual in the Township who recently donated a park to the Township, and he spent much more than \$10,000 on trees. He felt that \$10,000 would not even begin to replace what is being lost to the residents. He cautioned ITC as to their rights to

easements. He admitted that, while they may have some easements to some portions of property, if homeowners want to see proof of those easements, it will be the responsibility of ITC to show it to them.

Mr. Fitzgerald agreed with his colleagues and expressed his disappointment. He admitted that there are easements held by ITC and the Township does not want loss of power any more than ITC, but he stressed that trees are very important. He felt Clinton Township may be different than other communities ITC has dealt with in that they are requesting some type of replacement. He inquired as to how high up at ITC these concerns were addressed and who made the final decisions.

Mr. Kirsh was aware that the Vice-President of ITC, and he believed the President of ITC, was involved, not only with Clinton Township but throughout Michigan, as to how they would implement the Vegetation Management Plan. He assured that he presented them with the minutes from the previous Township Board meetings and made sure they got to the appropriate sources at ITC. He added, however, that he was not privy to their conversations, nor did he believe that any notes or minutes were taken from those meetings. He stressed that it is different than the Township's meetings, where minutes are required. He replied to further inquiry that he does not know where or how the \$10,000 figure came about.

Mr. Fitzgerald pointed out that when Mr. Kirsh was formerly a Township Supervisor, ITC came through his community, cutting down trees and leaving a lot of downed trees and stumps that were never cleaned up. He stressed Clinton Township does not want that to happen in their community.

Mr. Pearl thanked Mr. Kirsh for ITC to the community to discuss these concerns; however, he expressed his support of the Resolution. He noted that the Township has been fighting disease of many trees. He manages properties in Clinton Township and other communities, and they have hired tree doctors to try to save their Ash trees. He commented that it is terrible to lose trees, which is the reason the Township Board is asking ITC to be responsible and to do the right thing. Mr. Pearl explained that, even after injecting the trees with medicine, they were unable to save some of them and had to take them down. He pointed out that they spent "tens of thousands of dollars" in trying to save them, but whenever they had to resort to cutting the trees down, they always had someone come back to remove the stumps. He stressed that it is not that expensive and although ITC may feel they have to take a stand because Clinton Township is the largest Township in Michigan, he felt the Township Board needs to take a stand for their residents.

Mr. Cannon appreciated the fact that Mr. Kirsh was able to convince ITC to create a "Government Affairs" position because it does help to have an individual to work with. He knows Mr. Kirsh has been working hard but, as an employee of ITC, is also instructed by ITC to give the Township the company mantra. Mr. Cannon stressed that people move to Clinton Township for many reasons, and he believed a lot has to do not only

with the close proximity to freeways but also to the Clinton River, which provides beauty and a lot of areas full of trees. He has a lot of friends in Rivergate who purchased property near the power lines, but knew they would not have neighbors directly behind them and they could landscape and it would have the appearance of a park-like setting. He asked Mr. Kirsh to go back to ITC and ask them to reconsider. He stressed that the Resolution is not directed at Mr. Kirsh but he requested that he take it back to those individuals at ITC who make the decisions.

Mr. Sowerby recalled that, at their meetings with ITC, they were informed that “bushes” would not be removed because they are not considered a threat to the lines. He inquired as to lilac bushes, which can grow to a height of fifteen to twenty feet.

Mr. Kirsh replied that they have indicated that bushes, including lilacs, will not have to be removed; however, he cautioned that there are times when these bushes are planted on top of berms. If the berms raise the height of the bushes to a level they feel needs to be addressed, they may have to remove them.

Ms. Jeanine Maurer, 41830 Brandywine, Clinton Township, Michigan 48038, explained that she has a Red Bud in her rear yard that will reach a maximum height of twenty feet. It has been marked as one of the trees to be removed, yet it is at least ten feet under the power lines. She also has a Bradford Pear tree that was topped last year and has not had any further vertical growth, yet that tree has also been marked for removal. She stressed that property owners in these areas have spent a lot of time and money to plant trees and shrubs to afford some privacy in their yards and they did not intend to have all of these trees removed. She claimed her husband contacted ITC and was told that if homeowners want to contest any of the marked vegetation, this could be done on a case-by-case basis. She inquired as to whether this is still true.

Mr. Kirsh replied that they do go out on an individual basis and will talk to each homeowner. He acknowledged that they may be able to concede on some trees if they are outside of the clear zone; however, there may be others that are not a problem now but are anticipated to become a problem in the near future. He replied to inquiry that, in the past, they have marked some trees and ended up not removing them after consultation with the homeowner and reconsideration and reevaluation.

Ms. Maurer inquired as to whether her fence will be affected. She also expressed concern for her other landscaping and wanted assurances that it will not be disturbed.

Mr. Kirsh explained that a lot of this removal is done by hand, especially where they cannot access the property with their equipment. He assured that if anything is damaged, ITC will make amends.

Ms. Maurer inquired as to the chemical they are proposing to put on the stumps. She stressed she uses organic fertilizers only and does not want any chemicals in her yard. She inquired as to with whom she could discuss this concern.

Mr. Kirsh gave Ms. Maurer one of his business cards and requested that she contact him. He also provided a card to Mr. Fitzgerald and requested that the number can be provided at the meeting tonight so anyone at home would also have the information.

Mr. Fitzgerald relayed that the contact person for ITC is Mr. Gary R. Kirsh, 27175 Energy Way, Novi, Michigan 48377. The toll-free phone number is (877) 482-4829 and the website is www.itctransco.com.

Mr. George Franks, 43353 Brooks Drive, Clinton Township, Michigan 48038, explained that he was encouraged at the last meeting by Mr. Sowerby's resolve to meet with representatives of ITC in order to convey the Township's strong stance on the tree issue. He expressed disappointment in ITC, and claimed it is "another example of the arrogance of power and money" that is so prevalent in today's world. He felt ITC and its representatives do not care what happens in the backyards of the Clinton Township residents. He admitted he may be cynical, but he did not feel "anything the Township can say will reach these people".

Mr. Cannon appreciated Mr. Franks' comments; however, he has been impressed with what Mr. Sowerby and others have done by holding meetings with ITC. He added that, although Mr. Kirsh has "presented the Township with the company line", he was appreciative that at least the Township has been "given an ear" to hear some of the concerns of the residents.

Mr. Denny Dobbelaer, 17145 Knollwood Court, Clinton Township, Michigan 48038, explained that he has a full-sized maple tree, along with ten pine trees, all slated by ITC to be removed. He pointed out that the pine trees have been topped at 20 feet and they are not going to grow any more. He explained that he has been extremely upset over this issue and has been doing research on it for the past two months. He accessed the Federal Energy Reliability Commission (FERC) website and discovered that it is not their requirement that the trees be removed: they only require that there remain a clearance between the tops of the trees and the wires. He pointed out that the former ITC Vegetation Management Plan called for trimming and pruning of trees. He pointed out the power lines have not changed, and since his pine trees have been topped, they have not grown, so the only change has been ITC's revision of policy to cut everything down. Mr. Dobbelaer explained he has a copy of his easement, which gives them the right to "trim or cut tress that can fall into the lines". He cautioned them that the easement does not give them the right to come in and cut the trees down. He hoped Clinton Township will help fight this.

Mr. Gerald Maurer, 41830 Brandywine, Clinton Township, Michigan 48038, complained that the representative who came to his house to talk to him was arrogant and rude. He felt they need more information before ITC comes through and cuts everything down. He agreed with pruning and trimming, but not removing the trees. He claimed he was

told by the representative that they were “tearing the trees out and there was no further discussion on it”. He expressed anger at the situation.

Ms. Barbara Hughes, 43333 Brooks Drive, Clinton Township, Michigan 48038, explained that she has spruce and maple trees in her rear yard that have been marked to be removed. She complained that they are in a hurry to cut all the trees down in their easement, yet they do not maintain their easement: that responsibility has fallen on the homeowners. She explained to the representatives that they would like to top the trees, but they were told the trees are going to be removed. Ms. Hughes replied to inquiry that a couple of weeks ago, she called the number provided by Mr. Kirsh tonight, but no one returned her calls. She replied to further inquiry that the representative from ITC was actually contracted from Davy Tree Service. She claimed he told her that she did not own the property so she had no right to top the trees. She felt the maple tree is far away and should not cause a problem with the lines. She was upset because she stressed their landscaping is just at a point where they now have some privacy in their yard and do not have to look at the unsightly power lines. She added that they recently lost five ash trees to disease, so they will have no privacy at all.

Ms. West apologized that the residents would have to take any disrespect from these contractors who are working for ITC.

Mr. Kirsh replied to inquiry that these are subcontractors. He stated that if Ms. Hughes calls and leaves her name and number, he will follow up on it. He assured he is taking notes and will take this information back to the subcontractors.

Mr. Reynolds expressed disappointment that Mr. Kirsh is not personally apologizing to the residents on behalf of the subcontractors for ITC.

Discussion took place and Mr. Kirsh stated he did not mean to be disrespectful to the concerns of the residents with regard to the subcontractors, but he wanted to let them know if they have problems, he will address them and he has been taking notes so he can follow up.

Mr. Cannon commented that Mr. Kirsh has come in to his office and obtained copies of the Board videos so he could review them and take the information back. He commended Mr. Kirsh on relaying the information and the Township’s concerns back to his company.

Mr. Pearl accused ITC of instilling a “cut and run” policy, and he suspected that is why the subcontractors do not care about the residents’ concerns. He urged them to stop the cutting.

Mr. Kirsh apologized if the residents were mistreated, and stressed that they should not have to put up with that type of treatment. He assured he will be addressing the subcontractors and will handle the problem first thing tomorrow morning.

Mr. David Scott, 35400 Simco, Clinton Township, Michigan 48035, inquired as to what has changed that now requires the trees to be removed rather than trimmed. He also questioned the liability of the stumps and agreed with Mr. Reynolds that if they are painting the stumps orange, they are admitting that they are a hazard. He felt the stumps need to be removed.

Mr. Kirsh explained that following the blackout that occurred in 2003, FERC has required that no more outages are permitted, and the fine to ITC is extremely high if it does occur. It was at that point that ITC reviewed their policies and decided to remove the trees so as to avoid any future recurrences of major power outages.

Mr. Scott recalled that the trees were being topped as recently as 2007.

Mr. Kirsh explained that they are being held responsible, and if the outage is caused by trees, ITC will be assessed fines of up to \$1 million per day.

Mr. Scott did not believe the fines have ever been that high, and he suspected the highest was possibly \$100,000. He has trees on his property that will never grow taller because they have been topped. He inquired as to how they are addressing trees that are not in the easement but could still cause a problem if they fall into the wires.

Mr. Kirsh replied that the average easement in Clinton Township is 90 feet and that is why they are proposing to remove any trees in that easement or any others that could fall in that easement. They have been told not to exceed the easements, so they may try to get trim rights for other trees; however, they have no rights to do that if those trees are on private property and do not touch or cross into their easement.

Mr. Scott complained that all of his trees have been market, yet he is confident that they do not all have to come down. He inquired as to when someone is going to come out and inform him of that.

Mr. Kirsh recommended that Mr. Scott contact him, and ITC will send out a forester to his house. He replied to inquiry that if Mr. Scott did not receive a door tag, he should contact the number provided tonight.

Mr. Hornung did not feel ITC is willing to accept the conditions stipulated in the Resolution.

Motion by Mr. Hornung, supported by Mr. Sowerby, to approve the Resolution as submitted, but with the addition of the following:

5. Prune and trim trees instead of removing affected trees.

Further, to send the Resolution to all townships and municipalities in Macomb County, the Macomb County government offices, and to all State Representatives and Senators, the U.S. Congress and U.S. Senators, and encourage other communities to pass similar

Resolutions. Roll Call: Ayes – Hornung, Sowerby, Reynolds, Pearl, Cannon, West, Fitzgerald. Nays – None. Absent – None. Motion carried.

15. DISCUSSION ON FIRE SUPPRESSION SYSTEM SPRINKLER HEAD REPLACEMENT AND ASSOCIATED COST RESPONSIBILITY – HERITAGE ESTATES

Mr. Cannon advised that they received a check in the amount of \$5,000 from the management company for Heritage Estates, and that money has been deposited.

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the report on the status of the cost responsibility for the Heritage Estates sprinkler head replacement, and to acknowledge that a check in the amount of \$5,000 was received for this purpose from the management company. Roll Call: Ayes – West, Reynolds, Hornung, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

16. ADOPTION OF TOWNSHIP ORDINANCE #835 – EDITING AND INCLUSION OF TOWNSHIP CODIFIED ORDINANCES

Motion by Mr. Hornung, supported by Mr. Pearl, to adopt Ordinance #835, as introduced at the last meeting and subsequently published, approving the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances, as presented; further, the ordinance is to be published and effective immediately upon publication. Roll Call: Ayes – Hornung, Pearl, Reynolds, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

17. PROCESS FOR MAINTENANCE OF DOORS AT FIRE STATIONS

This item was deleted from tonight's agenda.

18. APPROVAL OF MERS BENEFIT CHANGE FOR NON-REPRESENTED EMPLOYEES

Motion by Mr. Pearl, supported by Ms. West, to receive and file the correspondence dated March 11, 2009 from the Human Resources Director and adopt the Resolution for Changing MERS Benefits for the non-represented employees, as presented. Roll Call: Ayes – Pearl, West, Reynolds, Hornung, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

Motion by Mr. Reynolds, supported by Mr. Hornung, to approve the Non-Represented Employee Pay and Benefits Policy, as presented. Roll Call: Ayes – Reynolds, Hornung, Pearl, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

19. REQUEST CLOSED SESSION TO DISCUSS: 1) WRITTEN LEGAL OPINION RELATIVE TO ISSUES OF EASEMENT INTERPRETATION FOR ITC VEGETATION MANAGEMENT; AND 2) CONTRACT NEGOTIATIONS

Mr. Sowerby noted that they may be coming out of Closed Session with regards to the first item.

Motion by Mr. Hornung, supported by Mr. Reynolds, to schedule a Closed Session immediately following the last item on tonight's agenda for the purpose of discussing: 1) Written legal opinion relative to issues of easement interpretation for ITC vegetation management; and 2) Contract negotiations. Roll Call: Ayes – Hornung, Reynolds, Pearl, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

20. DISCUSSION ON CONTRACTUAL FURLOUGH DAYS – POLICE DEPARTMENT

This item was deleted from tonight's agenda.

APPROVAL OF MINUTES OF MARCH 9, 2009 REGULAR TOWNSHIP BOARD MEETING

Motion by Mr. Fitzgerald, supported by Mr. Hornung, to approve the minutes of the March 9, 2009 Regular Board Meeting, as presented. Roll Call: Ayes – Fitzgerald, Hornung, Reynolds, Pearl, Cannon, West, Sowerby. Nays – None. Absent – None. Motion carried.

APPROVAL OF BILLS

Motion by Mr. Sowerby, supported by Mr. Fitzgerald, to approve the bills as presented. Discussion ensued.

Mr. Pearl explained that AT&T has overcharged the Township on a previous bill, and they have not indicated how they intend to make restitution. He would like the Board to ask for legal opinion on how to go forward on this matter.

Motion by Mr. Pearl, supported by Mr. Sowerby, to request legal opinion from the Township Attorney with regard to the AT&T issue. Roll Call: Ayes – Pearl, Sowerby, Reynolds, Hornung, Cannon, West, Fitzgerald. Nays – None. Absent – None. Motion carried.

Roll Call (on motion to approve bills): Ayes – Sowerby, Reynolds, Pearl, Hornung, West. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

PUBLIC COMMENTS

There was one public comment from Mr. Simon Haddad, 37796 Horseshoe Drive, Clinton Township, Michigan 48036. He indicated a question was raised by one of his neighbors as to who is advocating negotiations with bargaining units on behalf of the taxpayers, and he stressed that is the position of the Township Board. He admitted that this is a tough time, but he felt that if certain issues are not addressed at this point, it will be “a formula for disaster and bankruptcy”. He appealed to the Township Board to do what is right for the community.

A resident at 20620 Dunham Road stated he did not have a chance to appeal his taxes and he inquired as to whom he should contact.

Mr. Cannon assured he would talk with him prior the Closed Session.

ADJOURN INTO CLOSED SESSION

The meeting adjourned into Closed Session at 9:28 p.m. and reconvened at 10:06 p.m.

Motion by Ms. West, supported by Mr. Reynolds, to authorize the Township Attorney to begin institution of legal proceedings involving ITC and their Vegetation Management Plan. Roll Call: Ayes – West, Reynolds, Hornung, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

ADJOURNMENT

Motion by Ms West, supported by Mr. Reynolds, to adjourn into Closed Session once again, and to note that they will not be coming out of Closed Session this time. Roll Call: Ayes – West, Reynolds, Hornung, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried. The meeting adjourned at 10:07 p.m.

Respectfully submitted,

GEORGE FITZGERALD, CLERK
CHARTER TOWNSHIP OF CLINTON